REMARKS/ARGUMENTS

Reconsideration of the application is requested.

Claims 1-4 and 7-10 remain in the application. Claims 1-2 have been amended. Claims 5-6 have been previously cancelled. Claims 11-14 have now been cancelled. Claims 9-10 have been previously withdrawn, but rejoinder of claims 9-10 has been requested upon allowance of independent claims 1-2 because they are dependent on claims 1-2, respectively.

In item 5 on page 3 of the above-identified Office action, claims 1-4 and 7-8 have been rejected as being indefinite under 35 U.S.C. § 112, second paragraph.

More specifically, the Examiner has stated that the term "vicinity" is a relative term, which renders the claim indefinite.

The limitation "laterally in a vicinity of said condenser" has been deleted.

It is accordingly believed that the claims meet the requirements of 35 U.S.C. § 112, second paragraph. Should the Examiner find any further objectionable items, counsel would appreciate a telephone call during which the matter may be

resolved. The above-noted changes to the claims are provided solely for cosmetic and/or clarificatory reasons. The changes are neither provided for overcoming the prior art nor do they narrow the scope of the claims for any reason related to the statutory requirements for a patent.

In item 7 on page 4 of the above-mentioned Office action, claims 1-4 and 7-8 have been rejected as being unpatentable over Gaouditz et al. (US 4,022,655) in view of Billig et al. (US 5,282,230) under 35 U.S.C. § 103(a).

As will be explained below, it is believed that the claims were patentable over the cited art in their original form and the claims have, therefore, not been amended to overcome the references.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful.

Claim 1 calls for, inter alia:

> a condensing pipe leading into said condensing chamber; and
>
> a drain pipe for noncondensible gases, <u>said drain pipe disposed in said interior space</u> and fluidically connecting said top region of said pressure chamber to said condensing chamber, said drain pipe defining a direct connection to said condensing chamber, and said drain pipe not connected to said condenser, <u>said drain</u>

pipe having an upper end disposed at a level above said condenser and a bottom end immersed into said cooling liquid.

Claim 2 calls for, inter alia:

a condenser disposed in said pressure chamber and defining a region around said condenser;

a condensing pipe leading into said condensing chamber; and

a drain pipe for noncondensible gases, said drain pipe fluidically connecting said region around said condenser to said condensing chamber, and said drain pipe having a top end disposed above said condenser, and said drain pipe defining a direct connection to said condensing chamber, and said drain pipe not connected to said condenser, said drain pipe having an upper end disposed at a level above said condenser and a bottom end immersed into said cooling liquid.

In addition to the arguments presented in the previous responses, Applicant would like to point out the following two technical aspects:

1. The condenser of this kind:

The Examiner has compared the building condenser according to the invention of the instant application with the condenser 54a of Billig et al. This comparison is technically improper. The condenser 54a according to Billig et al. with its active heat exchange surfaces and the like is disposed in the water bath above the containment, so that a concentration of noncondensible gases in the direct

surrounding of the condenser surfaces cannot occur at all. It is not clear through what kind of incentive or hint could a person skilled in the art get the idea to move the condenser to a completely different space region, namely to the interior space of the containment. It is already unclear to what extent would this kind of modified system be servable at all. In this context, the Examiner has stated that it is general knowledge to siphon undesirable noncondensible gases from around the condenser. However, this kind of undesirable noncondensible gases could not at all occur in the system of Billig et al. in the surrounding of the condenser because the condenser is disposed in the water bath. It is therefore not at all understandable due to what kind of considerations should a person skilled in the art obtain from Billig et al. the concept that the noncondensible gases should be removed from the surrounding of the condenser in which no noncondensible gases could at all occur in the direct surrounding of the condenser.

2. The form of the drain pipe:

The Examiner has also compared the drain pipe according to the invention of the instant application with the drain pipes 14 according to Gaouditz et al. With regard to the structural difference, the Examiner has stated that in contrast to the now specifically defined drain pipe of the

invention of the instant application, the drain pipes 14 according to Gaouditz et al. are formed bent and not straight. However, it is noted that the drain pipes 14 according to Gaouditz et al. join media side totally different containment parts with one another. Especially, the drain pipes 14 lead into the interior space of the containment, which is separated from the peripheral spaces by the surrounding sealed wall. Even considering Gaouditz et al. and Billig et al. together at the same time, it is not clear in which space should the building condenser - if at all - be placed and when a person skilled in the art would obtain the idea to transfer the technical teachings between the two references.

In other words, on one hand it is doubtful that the Examiner's statement about the motivation for the combination of the two references, namely the alleged necessity of removing undesired noncondensible gases from the surrounding of the condenser, is at all appropriate. This is especially because, as already discussed above, no noncondensible gases could occur in the direct surrounding of the condenser according to Billig et al. On the other hand, even assuming a person skilled in the art would combine the two references, it is completely unclear what kind of result such a common consideration would lead. It

is unlikely that a person skilled in the art, by such common consideration, would remove the condenser of Billig et al. from the water bath and place it in the inner space of the structure. It is even more doubtful whether a person skilled in the art would in this kind of measures recognize the drain pipes 14 according to Gaouditz et al. as suitable means for removing the noncondensible gases from the surrounding of the condenser. Also, it is not all clear how a person skilled in the art, based on the disclosure of the two references, could position the condenser near the drain pipes 14 in such a way that the desired dissipation effect would be at all usable.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claims 1 and 2. Claims 1 and 2 are, therefore, believed to be patentable over the art and since all of the dependent claims are ultimately dependent on claims 1 or 2, they are believed to be patentable as well.

In view of the foregoing, reconsideration and allowance of claims 1-4 and 7-8 are solicited. Rejoinder of claims 9-10 is requested upon allowance of independent claims 1-2 because claims 9-10 are dependent on claims 1-2, respectively.

In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate a telephone call so that, if possible, patentable language can be worked out. **In the alternative, the entry of the amendment is requested as it is believed to place the application in better condition for appeal, without requiring extension of the field of search.**

If an extension of time for this paper is required, petition for extension is herewith made. Please charge any fees which might be due with respect to 37 CFR Sections 1.16 and 1.17 to the Deposit Account of Lerner and Greenberg, P.A., No. 12-1099.

Respectfully submitted,

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